

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

JANE DOE,

Plaintiff,

v.

Hon. Janet T. Neff

BEN CARSON, et al.,

Case No. 1:18-cv-01231

Defendants.

/

ORDER DENYING LEAVE TO PROCEED
IN FORMA PAUPERIS ON APPEAL

This is a civil action brought under 42 U.S.C. § 12101. On May 3, 2019, the Court entered an opinion and order denying Plaintiff's Motion to Retain Anonymity and ordering her to amend her complaint to identify herself by her legal name within 21 days (ECF No. 27). Plaintiff now has filed a notice of interlocutory appeal (ECF No. 28).

Plaintiff was permitted to proceed before this Court *in forma pauperis*. Pursuant to Rule 24(a) of the Federal Rules of Appellate Procedure, she may continue that status on appeal unless this Court certifies that her appeal is not taken in good faith. Good faith is judged objectively, *Coppedge v. United States*, 369 U.S. 438, 445 (1961), and an appeal is not taken in good faith if the issue presented is frivolous, defined as lacking an arguable basis either in fact or law. See *Dellis v. Corr. Corp. of Am.*, 257 F.3d 508, 511 (6th Cir. 2001). Detailed reasons for denial of Plaintiff's motion were provided in the report and recommendation adopted by the Court. (Report and Recommendation, ECF No. 21) The Court reaffirms its decision and finds that the issues on which Plaintiff might seek review are frivolous. The Court, therefore, certifies that the appeal is not taken

in good faith. Under federal law, “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3).

IT IS ORDERED that Plaintiff is denied leave to proceed *in forma pauperis* on appeal. If Plaintiff wishes to proceed with her appeal, she must pay the \$505.00 appellate fee to the Clerk of this Court within 28 days of this order. See 28 U.S.C. §§ 1913, 1917; 6 Cir. I.O.P. 3; Court of Appeals Miscellaneous Fee Schedule § 1 (Dec. 1, 2013). Alternatively, Plaintiff may file a motion for leave to proceed *in forma pauperis* in the Court of Appeals pursuant to the requirement set forth in Fed. R. App. P. 24(a)(5).

IT IS SO ORDERED.

Date: May 29, 2019

/s/ Janet T. Neff

Janet T. Neff
United States District Judge